

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2308 OF 2005.
IN
WRIT PETITION NO. 5215 OF 2000.**

Laxmi Vishwanath Kshirsagar. ... Applicant.

V/s.

The Dean,
Sarvopachar Rugnalaya & Anr. ... Respondents.

Ameya Tamhane i/b. Ms.Seema Sarnaik
for the applicant.

A.P.Vanarse, A.G.P. for the respondents.

CORAM: V.C.DAGA, J.

DATED: 6th December 2005.

P.C.:

. This application is at the instance of the original respondent-workmen to seek directions against the petitioners to pay wages to her @ Rs.4,700/- per month with effect from 8th July, 2005 till the disposal of the petition.

2. The copy of the application was served on the non-applicants through the office of the Government Pleader on 29th August, 2005. In spite of lapse of more than three months no reply has been filed.

3. In this view of the matter, in the absence of any opposition, the applicant would be entitled to claim advantage under section 17-B of the Industrial Disputes Act, 1947. The applicant has

also filed an affidavit dated 25th August, 2005; wherein she has stated that she is not gainfully employed since 8th July, 2005 in any establishment and, presently, she is unemployed. She has also stated that she has not been allotted any work. On the contrary, she is prohibited from resuming duty. In absence of any counter affidavit, the statements made by the applicant have to be accepted.

4. In this view of the matter, the application is allowed. The respondents/ original petitioners are directed to pay wages to the applicant @ Rs.4,700/- per month with effect from 8th July, 2005 till disposal of this petition. Monthly payment shall be made by the respondents/ original petitioners on or before 5th day of each month from January, 2006. So far as arrears of wages from 8th July, 2005 to 31st December, 2005 are concerned, the respondents/ original petitioners are directed to deposit the same with this Court within two weeks from today. Failure on the part of the respondents/ original petitioners to comply with this order, it would be open for the applicant to move this Court to dismiss the petition for non-compliance of this order.

5. Civil application stands disposed of in terms of this order with no order as to costs.
